HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI

Writ Petition No. 14336 of 2001

Between:

Syed Gulam Mustafa & others

… Petitioners

And

The State of Andhra Pradesh,
Rep. by its Secretary, Home Department,
Hyderabad & others

… Respondents

:: O R D E R ::

Counsel for the petitioners : None

September 12, 2007

In this petition, the petitioners have made the following substantive prayer:

> " It is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction and more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent and his subordinates in interfering with the Life and Personal Liberty of the petitioners herein as illegal, contrary to the prescribed procedure, exceeding the jurisdiction vested in 1st and 2nd respondent and violative of Article 14, 21 and 300-A of the Constitution of India and to issue consequential directions to the respondents 1 and 2 not to interfere with Life and Personal Liberty of the petitioners herein except in accordance with the procedure established by law and to pass any other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Shri R. Briz Mohan Singh, who had filed the writ petition, says that he does not have instructions to pursue the cause of the petitioners.

In view of the statement made by the learned counsel and the fact that no one else has appeared on behalf of the petitioners, the writ petition is dismissed in default.

G.S. SINGHVI, CJ

September 12, 2007
ksld

HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 19270 of 2007

Between:

A. Ram Mohan Raju

... Petitioner

And

Hyderabad Urban Development Authority,
Rep. by its Vice-Chairman, Hyderabad & another

... Respondents

:: O R D E R ::

Counsel for the petitioner : Shri V.V.N. Chary

September 11, 2007

Per G.S. SINGHVI, CJ

The petitioner, who is engaged in construction business, prayed for restraining Hyderabad Urban Development Authority from auctioning the land demarcated as parks and public amenities.

At the hearing, Shri V.V.N. Chary, learned counsel for the petitioner gave out that his client filed this petition by way of public interest litigation. According to him, the petitioner is seeking quashing of the auction because if he participates in the auction proposed to be held by Hyderabad Urban Development Authority in the lay out for

Madapur, there is likelihood of the auction getting entangled in litigation and in that event he may not get refund of the earnest money deposit. In our opinion, a preemptive petition like the present one cannot be entertained for restraining a public authority from undertaking auction of the land.

With the above observation, the writ petition is dismissed leaving the petitioner free to participate in the auction, if any to be held by Hyderabad Urban Development Authority and take chance of being successful bidder.

While dismissing the writ petition, we make it clear that by a separate order passed today in Writ Petition No. 19277 of 2007, the Court has restrained the respondents from auctioning the land adjacent to plot Nos. 15/1 and 15/2 in the lay out plans of HUDA Techno, Madhapur.

As a sequel to dismissal of the writ petition, W.P.M.P.No.24771 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

September 11, 2007
ksld